

April 12, 2007

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, April 19, 2007
8:30 a.m., Council Chambers
County-City Building

| |
|-------------------------------------|
| NOTE: SPECIAL START TIME |
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A G E N D A

ITEM 1: Request to change the pay range of the following classification:

| <u>CLASS CODE</u> | <u>CLASS TITLE</u> | <u>CURRENT PAY RANGE</u> | <u>PROPOSED PAY RANGE</u> |
|-----------------------|--------------------|------------------------------------|------------------------------------|
| 1135 | Internal Auditor | (M01) \$46,080.32 – \$78,871.52 | (M02) \$47,515.52 – \$96,905.12 |

ITEM 2: Request for appeal hearing – Robert Oglesby — Public Works/Wastewater.

ITEM 3: Miscellaneous Discussion.

PC: Joan Ross, City Clerk
Robert Oglesby
Thomas Lamb
Joe Rupp
Karl Fredrickson

2007 MAR 8 AM 10 54

**ANDERSON
CREAGER &
WITTSTRUCK,
P.C.**

Hal W. Anderson Amie C. Martinez
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Thomas R. Lamb

Attorneys at Law

1630 K Street • Lincoln, Nebraska 68508 • (402) 477-8800 • Fax (402) 477-8868 • www.acwlaw.com

March 7, 2007

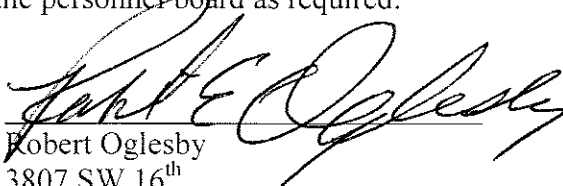
Don Taute
Personnel Director
City of Lincoln
555 S. 10th St., Room 201
Lincoln, NE 68508

RE: NOTICE OF APPEAL OF TERMINATION OF ROBERT OGLESBY
ACW File: 07-11039

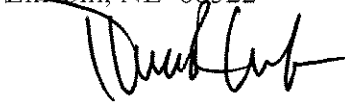
Dear Sir or Madam:

Pursuant to the provision of Section 2.76.465 of the Lincoln Municipal Code, notice is hereby given that Robert Oglesby does appeal to the Personnel Board the termination of employment noticed in the letter of February 23, 2007 by Karl A. Fredrickson, Director of Public Works and Utilities and effective March 12, 2007.

Please provide Notice of the hearing before the personnel board as required.


Robert Oglesby
3807 SW 16th
Lincoln, NE 68522

t.lamb@acw-pc.com


Thomas R. Lamb, #15103
Attorney for Robert Oglesby
ANDERSON, CREAGER &
WITTSTRUCK, P.C.
1630 "K" Street
Lincoln, NE 68508
(402) 477-8800

cc: Karl A. Fredrickson, Director Public Works and Utilities

CITY - COUNTY PERSONNEL

2007 MAR 20 PM 12 28

February 23, 2007

Mr. Robert Oglesby
3807 SW 16th Street
Lincoln, NE 68522

RE: Termination of Employment

Dear Mr. Oglesby:

I am writing to inform you that I am terminating your employment with the City of Lincoln pursuant to the provisions of Article 8 of the PAGE contract; Lincoln Municipal Code Section 2.76.445 and Lincoln Municipal Code Section 2.76.465. You had been placed on investigatory suspension without pay, effective January 16, 2007, and we mutually agreed to waive the 30 day time period. Pursuant to Article 8, Section 6 of the PAGE contract, a pre-disciplinary hearing was held on February 22, 2007 to discuss the outcome of that investigation. Therefore, beginning February 26, 2007, you will be suspended for 10 working days without pay through March 9, 2007, with permanent separation from employment with the City effective March 12, 2007.

The basis for my action relates to the following:

- 1) In the pre-disciplinary hearing of December 18, 2006, it was established that you made improper use of the City cell phone which was in violation of one of your protection orders. On the night of November 30, 2006, you were arrested by the Sheriff's Department for violating the protection order. You were not available to receive any emergency calls for Wastewater Collection from the time of your arrest until 7:30 a.m. on December 1, 2006. That cell phone was confiscated by Lancaster County for your court appearance and has not been returned as of February 22, 2007.
- 2) Omission from your original application for employment a conviction for attempted delivery of controlled substance, where you were sentenced to 30 days in the Lancaster County Jail and 3 years probation on July 14, 1988. On your application for employment you submitted on July 8, 1994, you stated that you had *not* been convicted of a criminal offense other than a minor traffic violation. By signing the application you acknowledged that you "Understand that any false information I record in the application will be sufficient reason for rejection of the application or termination of employment."
- 3) Lancaster County Sheriff Deputy made an attempt to serve you with another protection order on the afternoon of January 8, 2007. After investigation we determined that you left the work place early to avoid service of a protection order. Contact was made with you by cell phone as you were leaving at approximately 3:50 pm. You spoke with your supervisor and the deputy by cell phone and declined to return to the work site.



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

Public Works and Utilities Department
Karl Fredrickson, Director
555 South 10th Street
Suite 203
Lincoln, Nebraska 68508
402-441-7548
fax: 402-441-8609

LINCOLN

The Community of Opportunity

Robert Oglesby
February 23, 2007
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On January 9, 2007, between approximately 8:00-8:30 a.m., several Lincoln Police and Lancaster County Sheriff's Department cruisers, surrounded the City of Lincoln jet flusher vehicle around 37th & Calvert Streets where you were working and served a protection order for one of your children. You stated that you have four protection orders that remain in place for your wife and children. From 1/8/2007 - 1/11/2007, the Police continued to monitor your whereabouts while at work throughout the day.

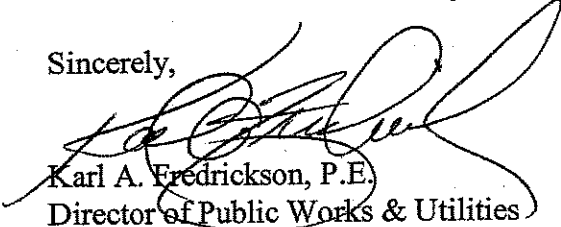
4) Falsification of your Employee Time Distribution Sheet for the pay period 1/11/2007 - 1/24/2007. On Wednesday, 1/10/2007, you made a verbal request for vacation to your supervisor Roger Krull from 2:00 - 4:00 p.m. on 1/11/2007 to meet with your attorney. The leave request form signed by you reflects 2 hours of *sick leave*.

These actions are considered serious and are in violation of the Lincoln Municipal Code Sections 2.76.445 (f) Has been guilty of insubordination or any conduct unbecoming to an officer or employee of the city, either on or off duty; (j) Commission of acts unbecoming a City employee; (k) Willful violation of any of the provisions of the charter or of these rules; (p) Absence from duty without leave contrary to these rules, or failure to report after leave of absence has expired, or after such leave of absence has been disapproved, or revoked and cancelled by the proper authority; and 2.76.230 Disqualification (d) Has made a false statement of material fact in this application; and may be considered just cause for termination of your employment with the City of Lincoln.

If you disagree with my decision to terminate your employment, you may appeal to the Personnel Board in accordance with Article 8, Section 6 of the PAGE contract.

You are asked to schedule an appointment with Mr. Gary Brandt in order to return any City keys, gas card, ID and uniforms that you may possess and to pick up any personal belongings that may be at the Lincoln Wastewater System.

Sincerely,



Karl A. Fredrickson, P.E.
Director of Public Works & Utilities

cc: Don Taute, Steve Masters, Gary Brandt, Joe Rupp, Tom Lamb